IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8001 OF 2007

Asharaf Gulam Rasool Patel .. Petitioner
Versus
Haresh Hansraj Shah & Anr. .. Respondents

Mr.A.Y.Sakhare, Senior Advocate with
Mr.P.M.Havnur for petitioner
Mr.S.G.Karandikar for respondent No.1
Mr.R.S.Apte for respondent No.2.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 10th December 2007

P.C.

. This petition is directed against the order below Exh.5 (application for temporary injunction) during the pendency of the petitioner's suit. The concurrent findings of facts at prima facie stage are that the petitioner plaintiff could not establish his possessory rights over the suit land/property.

2. It is not necessary to refer to any details inasmuch as the trial court in paras 16 to 18 of the impugned order has adverted to the documents and has observed that by virtue of the agreement dated 27th November 2004, the petitioner would not be able to claim any interim injunction.

3. The petition is, therefore, dismissed. However, the trial court to endeavour and dispose of the suit in question as expeditiously as possible and in any event by 31st January 2008. All contentions on merits are expressly kept open and the suit be decided uninfluenced by any observations in the impugned order.

(S.C.Dharmadhikari, J)